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4 Attorney for Defendant  
5 ARTHUR LEE ANDERSON III

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7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA, ) No. CR 03-40164 SBA  
11 )  
12 Plaintiff, ) **STIPULATION AND ~~PROPOSED~~**  
13 vs. ) **ORDER REGARDING SENTENCE**  
14 ARTHUR LEE ANDERSON III, ) **REDUCTION UNDER U.S.S.G. §**  
15 Defendant. ) **1B1.10(b)(1) (AS AMENDED BY 750,**  
16 ) **PARTS A & C)**  
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17 **IT IS HEREBY STIPULATED AND AGREED**, by and between the parties acting  
18 through their respective counsel, that:

- 19 1. The defendant is making an unopposed motion for a modification of his sentence  
20 pursuant to 18 U.S.C. § 3582(c)(2).  
21  
22 2. Defendant's guideline calculation at his September 19, 2006 sentencing was as follows:  
23 Total Offense Level: 33  
24 Criminal History Category: III  
25 Guideline Range: 168-210 months  
26 Mandatory Minimum: 120 months  
3. Defendant was sentenced to 175 months imprisonment on September 19, 2006.

- 1 4. Effective March 3, 2008, the defendant became eligible for a modification of his sentence  
2 pursuant to 18 U.S.C. § 3582(c), USSG § 1B1.10(c), and Amendment 706 of the United  
3 States Sentencing Guidelines Manual.
- 4 5. Under the new 2008 Guidelines, Defendant's guideline calculation were as follows:  
5 Total Offense Level: 31  
6 Criminal History Category: III  
7 Guideline Range: 135-168 months  
8 Mandatory Minimum: 120 months
- 9 6. Defendant was re-sentenced to 140 months imprisonment on April 20, 2009.
- 10 7. According to the Bureau of Prisons, defendant's current projected release date is  
11 December 13, 2013.
- 12 8. Effective November, 1, 2011, defendant is eligible for a modification of his sentence  
13 pursuant to 18 U.S.C. § 3582(c), USSG § 1B1.10(b)(1), and Amendment 750, Parts A  
14 and C, of the United States Sentencing Guidelines Manual.
- 15 9. Defendant's revised guideline calculation is as follows:  
16 Total Offense Level: 29  
17 Criminal History Category: III  
18 Guideline Range: 108 to 135 months  
19 Mandatory Minimum: 120 months
- 20 10. The parties have no reason to dispute the Reduction of Sentence Report submitted to the  
21 Court by the probation office.
- 22 11. Based upon the foregoing, the parties hereby stipulate that the Court may enter an order  
23 reducing defendant's sentence to 135 months.
- 24 12. The parties further stipulate that all other aspects of the original judgment order including  
25 the length of term of supervised release, all conditions of supervision, fines, restitution,  
26 and special assessment remain as previously imposed.

13. Defendant stipulates that he waives and does not request a hearing in this matter pursuant to Fed. R. Crim. P. 43, 18 U.S.C § 3582(c)(2); *United States v. Booker*, 543 U.S. 220 (2005) and *Kimbrough v. United States*, 128 S.Ct. 558 (2007).

14. Defendant waives his right to appeal the district court's sentence.

15. Accordingly, the parties agree that an amended judgment may be entered by the Court in accordance with this stipulation pursuant to 18 U.S.C. § 3582(c) and USSG § 1B1.10(b)(1), Amendment 750, Parts A and C, of the Sentencing Commission Guidelines Manual. The parties agree that a proposed amended judgment will be submitted to the Court by the probation office, along with the Sentencing Reduction Investigation Report.

IT IS SO STIPULATED:

/s/

Date: 1/30/12

\_\_\_\_\_  
JOHN J. JORDAN  
Attorney for ARTHUR LEE ANDERSON III

/s/

Date: 1/30/12

\_\_\_\_\_  
J. DOUGLAS WILSON  
Assistant United States Attorney

~~PROPOSED~~ ORDER

Upon consideration of the stipulation submitted by the parties, it is hereby ORDERED that the defendant's sentence is reduced to 135 months; and it is further ORDERED that all original conditions of supervision, fines, restitution, and special assessment remain as previously imposed.

Date: 2/21/13

  
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Hon. SAUNDRA BROWN ARMSTRONG  
United States District Judge